

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon David A. Faber

**CORRECTED
PLAINTIFFS' MOTION TO COMPEL AMERISOURCEBERGEN TO WITHDRAW
PRIVILEGE CLAIMS AND FOR *IN CAMERA* REVIEW OF PRIVILEGE CLAIMS**

Pursuant to Rules 33, 34, and 37 of the Federal Rules of Civil Procedure, Plaintiffs THE CITY OF HUNTINGTON, and CABELL COUNTY COMMISSION (collectively, "Plaintiffs"), through their undersigned counsel, hereby move for an order compelling Defendant AmerisourceBergen Drug Corporation ("ABDC") to: a) withdraw privilege claims over documents and/or types of documents which have been previously determined not to be privileged (either by ABDC itself or by the MDL 2804 Court), and b) to produce for *in camera* review the underlying documents relating to other ABDC privilege claims previously challenged but not

responded to by ABDC. Plaintiffs' motion should be granted for the reasons given in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ P 7.1(a), copies of all documents and other such materials or exhibits referenced in the accompanying memorandum, and upon which this motion relies, are attached to this motion. Plaintiffs further certify that they have conferred with counsel for ABDC in an effort to resolve the discovery dispute without court intervention.

Dated: February 24, 2020

Respectfully Submitted,

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr., Esq. (WV Bar # 7443)

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Pro hac vice anticipated

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 24th day of February, the foregoing **“Corrected Plaintiffs’ Motion to Compel AmerisourceBergen to Withdraw Privilege Claims and for *In Camera* Review of Privilege Claims”** was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Paul T. Farrell, Jr.
Paul T. Farrell, Jr. (W.Va. Bar # 7443)